

M I N U T E S
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

May 9, 2006

Meeting was commenced at **7:07** p.m.

PRESENT:

Council Members: Chairman Steve Fairbanks, Vice Chairman Linda Martinez Saville, Bryant Anderson, Scott Cowdell, Stephen Smith

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Chief Building Official Scott Marsell; Economic Development Director Randy Sant; Deputy to the Mayor John Hiskey; Police Chief Stephen Chapman; Assistant Director Parks & Recreation Scott Earl; Mike Merritt; Administrative Services Director Art Hunter; Assistant CAO James Davidson; Assistant Director Community Development Nick Duerksen; Council Office Director Phil Glenn; Council Executive Secretary Pam Lehman

ABSENT/EXCUSED:

Councilman Chris McCandless [Vacation]

Councilman Dennis Tenney [Personal Business]

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by **Boy Scout Jeff Gledhill** of **Troop #374**, and the Pledge was led by **Ryan Whitaker** , also of **Troop #374**.

2. **SPECIAL PRESENTATION:** **Tree City USA Designation**

Assistant Director Parks & Recreation Scott Earl along with **Parks Supervisor Mike Marett** introduced **Barry Trip**, from the Division of Forestry, Fire & State Lands, who was present to award a plaque to the Mayor and Council honoring the City for the successful application of tree management and their contributions in recognizing the important role natural resources play in the qualities of life. Sandy City is one of 44 cities in the State which are members of and involved in Tree City USA. A flag and a four year acknowledgment were presented to Mayor Dolan.

Mayor Dolan indicated that Sandy would like to have additional flags to place throughout the City acknowledging the City's participation in the Tree City USA Community Improvement Project.

3. **CITIZEN(S) COMMENTS:**

- a. **John Krinke**, 8585 South 100 East, expressed concerns regarding increased graffiti painted on reflective street signs and walls located near his home. He felt that a malfunctioning street light has not been effective in helping curtail the problem. Also, several homeowners are concerned about rental properties in the area that are not being maintained by landlords who either live in or out of State. The rental homes seem to bring in an undesirable element of drugs and gang influence to the area. Residents who live in this area are very concerned and are hopeful the City can offer some solutions to help clean up and preserve the integrity of their neighborhood.

Chairman Fairbanks invited Mr. Krinke to speak with Community Development Director Mike Coulam to further address his concerns.

Mr. Krinke reported that the neighbors have reported gang issues to the Sandy City Police Department. They advised him that they would try and make increased patrols in their area.

- b. **John Egbert** ,103 Benson Way, expressed concerns with a rental home on Vincent Way where frequent drug trafficking and drug use take place on a daily basis. He also reported that there are also junk vehicles

and household appliances that are stored on the property. The residents have informed the Police Department of the continuing problem, but have seen little, if any changes or remedies to the problem.

The residents are concerned for the safety of their children and property.

Chairman Fairbanks invited Mr. Egbert to meet with Police Chief Stephen Chapman and Chief Building Official Scott Marsell .

Steve Smith asked Mr. Egbert if this home was owner occupied or a rental home.

Mr. Egbert reported that this home was a rental property, and that the occupants had another year left on the lease.

City Attorney Wally Miller noted that Mr. Egbert's concerns would be addressed during the Police Drug Use Interdiction discussion.

- c. **Dawn Sidwell**, 8961 South 120 East, reiterated some of the same concerns addressed previously by Mr. Krinke and Mr. Egbert. She indicated that she spoke with Councilman Scott Cowdell and City Attorney Wally Miller regarding a group of people who live in a rental property next to her home. She reported that the Police have been called to this home numerous times. Residents have witnessed drug deals, and the people have become verbally confrontational with them. She indicated that she owns her home and felt that no one should be required to live under these types of circumstances. She believes that renters should be required to uphold the same guidelines as property owners. She feels that landlords should be held accountable for maintenance of their rental properties, and responsible for activities that take place in their homes. She believes that some landlords only care about receiving their monthly rental payments. She asked the Council to please help the residents with this problem.

Linda Saville invited Mrs. Sidwell to stay for the discussion on Police Drug Use Interdiction.

- d. **Mr. Ron Strubel**, 9194 South Vincent Street, reported that the street between 9000 South and 9400 South at 150 East, has become a race track for speeding cars during the early morning hours. He asked if the City could install speed bumps as a mechanism to curtail this growing problem.

Chairman Fairbanks reported that this issue would be brought to the attention of the Transportation Committee for discussion to determine what types of resolutions might be made to resolve this problem.

Chairman Fairbanks closed Citizen Comments as there were no further comments.

CONDITIONAL USE APPEAL

4. **Conditional Use Appeal: Village at Park Avenue** [7700 South Union Park Avenue] [Tabled April 11, 2006 for Developer to design a new site plan]

Discussion: Chairman Steve Fairbanks explained the ground rules that the Council and participants would be following during the Conditional Use Appeal hearing. He reported that the Council may either over-rule any disapproval or approval of the Commission or conditions imposed. The Council may approve or deny the conditional use. The Council may impose additional conditions, or remand the issue back to the Planning Commission for further consideration. Mr. Fairbanks requested that a spokesperson to speak in behalf of the developer and citizens.

Development Services Manager Gil Avellar reported that the Planning Commission gave a preliminary review to the proposed Village @ Park Avenue development on February 16, 2006 that included all properties along the east side of Union Park Ave, starting from Extended Stay America on the north and running southward including all properties with the exception of the property on the northeast corner of Forbush Drive and Union Park Avenue. [Cirrus Property]. The developer has since closed his real estate arrangements with all parties with the exception of the Cook property [the parcel directly north of the Cirrus property]

On March 17, 2006 an appeal was filed with the City Council office by the residents of the City of Cottonwood Heights to the east regarding the Village @ Park Avenue development. At the City Council meeting on April 11, 2006, the City Council decided that in light of the changes to the original approved plans [deletion of the Cook property], that the appeal should be postponed until such time as the applicant has his revised plan, reviewed by the Planning Commission.

As a result of the loss of the Cook property, the developer submitted a revised site plan, grading plan, landscape plan and architectural elevations for Building A. The revised conceptual design for the two lots [Cook and Cirrus properties] located to the south of the proposed development were also show on the revised site plan.

The revised plan now includes a total of 201 residential units verses the 228 that were originally proposed and the 200 residential units that were on the original plan reviewed by the Planning Commission. The conceptual design [not a part of Union Park Project] showed a total of 1.25 acres [Cook and Cirrus properties] and shows a possible office use. All the original concepts approved by the Planning Commission will remain the same as were originally approved on February 16, 2006, including the architectural design, building heights, colors, material, grading, and landscaping on the remaining site areas.

Staff , along with the Planning Commission recommends that the revised preliminary plan be accepted as complete and that the revised Conditional Use for the Village @ Park Avenue be approved based upon the following findings:

1. Development of this property will further the goals of the Sandy City General Plan for residential and commercial development in this area.
2. Development of this property will eliminate and improve a presently underdeveloped parcel of land and provide new economic opportunities in the area.

And be subject to the following conditions:

1. That street dedications and improvements be carried out according to plan and profiles approved by the Sandy City Engineer, and specifically:
 - a. That Union Park Avenue be improved according to the requirements of the Sandy streetscape [including 2 inch caliper street trees]. The variety of street tree required Little Leaf Linden, planted 30 feet on center in the park strip tree wells along Union Park Avenue. Street trees shall be coordinated with street light locations and other utilities.
 - b. That the developer proceed through the road closure process with Sandy City for closure and sale of the existing frontage road property along Union Park Avenue. In addition, in the process of the road closure, that Sandy City retain ownership of a driveway off of Union Park Avenue at the south end of the existing right-of-way in order to allow for public access to the remaining parcel of land to the south of the development.
 - c. That any existing drive approaches that need to be abandoned as a result of this project shall be removed and replaced with high back curb and gutter.
2. That the development proceed through the final site plan review process with staff prior to the start of any construction [including payment of development fees and posting of an appropriate bond to guarantee completion of all required improvements on and off the site].
3. That the development comply with all Building & Safety, Fire and Life Safety Codes applicable to this type of use.
4. That the developer be responsible to meet all provisions of the SD [Harada] Zone, the Sandy City Development Code and all conditions of approval imposed by the Planning Commission regarding this project prior to issuance of a building permit including but not limited to: compliance with the Sandy City Water Policy, trash enclosures, compliance with the Sign Ordinance and obtaining sign permits for all signs proposed, front landscaping berming, screening of all roof mounted mechanical equipment and vents, installation of all required public improvements, provide staff with a specific water efficient landscape and irrigation plan prior to final approval of the site plank and under ground existing overhead utility poles across this property. All utility boxes [transformers, switch gear, telephone, cable tv, etc.] shall be shown on the site plan and be placed underground or moved behind the front setback [minimum of 30 feet from the front property line] and screened from view. Each box shall be shown it is exact location and

- be noted with its exact height, width, and length.
5. That the developer of this project allow for reciprocal access to and from adjacent development to the north and west of this project where it is deemed to be appropriate and necessary by the Sandy City Planning, Fire, and Engineering staff.
 6. That the architectural design, colors, and materials proposed for both the proposed residential condo building and the Johnson office building be approved by the Planning Commission. In addition, that the applicant comply with the Sandy City architectural Design Standards prior to the issuance of a building permit.
 7. That the developer have their engineer certify the existing grades of the property before grubbing and grading work starts. Also, that the final grades be certified by the developer's engineer prior to the start of footing and foundations. Each certification shall be given to the Sandy City Development Engineer for review prior to continuing with the next step of construction.
 8. That the applicant and any of his tenants comply with the hours in the Revised Ordinances of Sandy City relating to trash collection, parking lot sweeping as well as loading and unloading activities. The Revised Ordinances of Sandy do not allow these activities to take place between the hours of 9:00 p.m. or 7:00 a.m. of the following day. The hours of these activities cannot be extended by a Conditional Use Permit.
 9. That the applicant encourage tenants to consider offering their employees incentives for the use of car pooling, ride sharing, bus and light rail passes, van service to the Light Rail Station and Bus Transfer Station as well as any other alternative modes of transportation that may be available in order to decrease the need for parking and reduce vehicle trips that congest local roads and add to air pollution.
 10. That the applicant comply with all department requirements as noted in all preliminary review letters prior to submittal for final site plan review.
 11. That the hours of operation for any commercial business uses that may locate within this development be limited to 6:00 a.m. to 10:00 p.m. due to the property being within 250 feet of a residential district. Should a future business desire hours which are later than 10:00 p.m. or before 6:00 a.m., a separate Conditional Use Permit must be applied for to be considered at a future date.
 12. That the development comply with the recommendations of the traffic study that was conducted on this development.
 13. That the applicant of this development share in the cost of the new traffic signal that has been placed on Union Park Avenue with the Union Heights developer to the west [65% for Union Heights and 25% for the Village @ Park Avenue].
 14. That the Planning Commission approve the additional building heights for the proposed residential condominiums buildings and proposed office building as proposed in the revised building plans presented by the developers.
 15. That the applicant work with Cottonwood Heights City to attempt to obtain the remnant triangular parcel of land along Creek Road that the applicant desires to make part of this development and has included in setbacks and landscaping in this project prior to final site plan approval and issuance of a building permit. Failure to obtain the necessary property will require redesign, submittal and approval of the project. The applicant shall also submit a petition to annex the property once it is obtained and shall pursue it until the annexation is complete.
 16. That all commercial businesses within this overall development comply with an overall common sign theme for the development that shall be individual illuminated channel letters and monument signs only.
 17. That the developer(s) be responsible for the cost to relocate the existing irrigation ditch that is presently located at the north end of the development according to the requirements of the ditch company and the Sandy City Public Utilities Department.
 18. That the use and hours be reviewed upon legitimate complaint.
 19. That a more thorough soils and groundwater investigation be done to insure that adequate consideration has been given to impacts of potential seismic activity. Any such studies shall be submitted to, reviewed, and approved by the City Engineer prior to final site plan approvals by staff.
 20. That in the event the applicant still desires and is able to acquire the Cook property to the south [part of the original reviewed development], that all previous reviews and conditions of approval from the Planning Commission from February 16, 2006 shall apply. The original reviews shall still be valid and that the revised plans submitted with this review be considered an "alternative plan" to the original.

Dan Christensen, the developer, 8480 Rodeo Road, briefly summarized the history of the project which started back in April of 2003. He reported that they have acquired 14 out of the 15 properties over the past three years.

The final parcel was under contract, but the sale did not come to fruition for a number of reasons. The site plan has been revised based on that situation. He informed the Council that he has spent a great deal of time and effort in redesigning the proposed project, and have also lowered the elevation of the buildings.

Lyle Beecher, of Beecher Walker Architects, presented a lengthy review of the changes that have occurred to the proposed project site and Building A. He reported that the building has been shortened 18 feet in length and is 9 feet narrower in depth. He noted that this building will now sit within the setback limit of the SD [Harada] Zone. This would also reduce the mass of the building. They have made some sizeable modifications to this development and lessened the impact for the Cottonwood Heights residents to the east. They have stepped the back side of the buildings specifically to include ten foot steps at each story. As the stepping concept has been incorporated into Building A, they have also reduced the overall number of units and parking spaces, and pulled those buildings back 14 feet from the Creek Road right-of-way line. They have worked on lessening the visual impact on the east side of the buildings. This has been done by raising the grade 14 feet with engineered terraced retaining walls. Therefore, what previously appeared to be a six story building from the back side is now four stories with a partial visual of the top level of the parking structure.

Perry Bolyard, Chairman of Friends & Neighbors of Union Park, 1355 East Siesta Drive, reported that Cottonwood Heights Mayor Kelvyn Cullimore and Rodney Dahl were present to also address the Council on their concerns with the proposed development. Mr. Bolyard felt that the Planning Commission failed to consider the effects of the proposed office building and mitigate the effects this development would have on the neighbors in the Little Cottonwood Valley. He stated that the proposed office building would stand taller than the condominiums. He felt that the heights and densities of this project would be detrimental to the quality of the community. Mr. Bolyard stated "This project is just too big and does not fit the site". He asked that the Council deny the Conditional Use for the Village at Park Avenue.

Rodney Dahl, 1331 East Siesta Drive, stated that he also believed that the Planning Commission erred in their decision to grant a conditional use for the Village @ Park Avenue project. He stated that the project does not meet the requirements of the SD [Harada] Zone, which was created to mitigate impacts on surrounding neighborhoods. He stated that the provision for "limited intensity of uses" is not met with the proposed 29 units per acre condominium buildings along with the proposed high-rise commercial office building. The Friends & Neighbors of Union Park asked the Council to take a moment prior to the meeting to personally view a perspective on how the proposed project would look to the residents who sit below the proposed project. They asked the Council to stand at the flagpole located at the South Town Corporate Center Building [just north of City Hall] and look at the top of the north building. The building height is 89 feet from eye level to the top of the parapet. This is the view that residents would experience once this proposed development is built. Mr. Dahl stated that the buildings are overwhelmingly high, and that the entire neighborhood would be covered with shadows from the buildings sometime during the day. The proposed commercial building is oversized and substantially above the 35- foot height limitation for the SD Harada Zone. He presented a list of specific reasons why the residents feel the Council should deny the Conditional Use of the Village at Union Park.

Steve Smith asked for clarification on the underground parking ,grading, and elevation plan of the proposed office building, and the reasons why the building is being raised instead of keeping elevations at the existing grade.

John Ryman, JSA Architects, reported that there would be one level of underground parking in the office building. He explained that there is a difference in elevation between the two properties, and that it is necessary to raise the elevation of their building in order to tie all the buildings together.

Bryant Anderson asked why the proposed office building was not being placed closer to 1300 East .

John Ryman indicated that they are required to put the surface parking back 16 feet due to landscaping issues and a proposed trail system that is included in the Parks and Recreation Master Plan. The office building will be part of the overall project even though they are the smaller component of the project.

Kelvyn H. Cullimore Jr., Mayor of Cottonwood Heights, expressed appreciation, on behalf of the residents of Cottonwood Heights, to the Planning Commission and City Council for taking into consideration the concerns they have regarding the density of the proposed development. He presented a copy of a Resolution that was recently

approved by the Cottonwood Heights City Council voicing opposition to the Proposed Village at Park Avenue Project. The resolution listed the following concerns: height/density of the project, potential lack of geo- technical stability of the site, and the threat the Project may pose to the homes that sit below in the event of an earthquake, and the increased traffic on Creek Road and Forbush Lane due to the proposed density of the project. Mayor Cullimore felt that the proposed development would tower over the upscale neighborhood that sits below.

Bryant Anderson suggested that a recommendation be sent to the Planning Commission to remove conditions #4 and #15 from the conditional use.

Scott Cowdell stated that there is no question that this development will pose some major impacts on the surrounding neighborhoods. He was concerned with the extreme numbers of conditions that have been placed on this development. He felt that the property should be rezoned to a more appropriate zone instead of the SD [Harada] Zone. He expressed concerns with the safety factors associated with the proposed density of the project. He noted that he has asked Police Chief Chapman for a traffic study of the area and the numbers of accidents that have occurred. He stated that this is already a "very unsafe" intersection, and that he simply could not vote for the project.

Linda Saville reported that she personally visited the project site. She expressed her concerns with the traffic in the area, and stated that she could not even imagine having a development of this magnitude located near her back yard. She indicated that she would have a very difficult time voting for this project. She also stated that it does not matter what area a person lives in. The Council cares about all people regardless of what community they reside in.

Bryant Anderson also echoed Linda's statement regarding the concern the Council has for all residents inside and outside of the City. He noted that this development poses some very difficult issues with the ridge along Creek Road and 1300 East, and the difference in elevations of the proposed buildings. Mr. Anderson suggested that he would like to table this issue for another week in order to have time to come up with some alternative conclusions on what would work best for this project.

Steve Smith applauded the efforts of the Planning Commission and the Developer for bringing the project to this point. He stated that this is a difficult parcel to work with, and that it has taken great creativity to get it to this point. He also noted that he spent several hours walking the proposed site, along Creek Road, and Union Park Avenue. He came away with some concerns pertaining to the height of the proposed project, the annexation process, and whether the developer was fully aware of the stipulations in the SD Harada Zone, in particular, the 35 foot height requirement. Mr. Smith stated that he was "mystified" why the Planning Commission "green-lighted" the project, especially when they themselves had serious reservations about the height of the project. Conditional uses should be minor in nature. This project appears to require some major changes in order for it to conform to the SD Harada Zone. He felt that the developer could do more to mitigate impacts related to grading and landscaping, traffic issues, ingress and egress to and from the office building, and the site lines in relation to the elevation of the proposed buildings. He felt that these issues should be explored further before "his stamp of approval" could be placed on the project.

Steve Fairbanks stated that the Council's purpose is to neither approve, or approve with further or fewer, or disapprove the proposed project. He stated that he believes strongly that property owners should have the right to own and control their property as long as it is within zoning guidelines. He asked for clarification regarding item #4 in the conditions, and how this development meets all provision listed under the SD Harada Zone.

Mike Coulam reported that the Professional Office [PO] Zone was in place when this parcel of property was annexed into the City. The property owner was instructed to come back and request a more appropriate zone at the time the property was to be developed. Staff analyzed the existing SD Harada Zone and its relation to the surrounding properties. There was a time when a development of this nature would not have been considered, but with the ongoing changes that have occurred in the Union Park area, Staff felt that the SD Harada Zone would allow the criteria of the proposed development. This development, along with the architecture of the proposed project, would be consistent with the area. He reported that the Planning Commission requested a traffic study of the area, which was presented to the Planning Commission by the Traffic Engineer. Mr. Coulam informed the Council that the issue at hand is not the height standards of the zone, but whether the conditional use should allow residential

development on the property. Mr. Coulam stated that the Planning Commission did a "yeoman" job in analyzing this project.

Phil Glenn read into the record both Mr. Tenney's and Mr. McCandless's comments regarding the proposed development. Mr. Glenn noted that Mr. McCandless and Mr. Tenney were both out of the Country and unable to attend the meeting. He stated that Mr. McCandless had concerns with the height and density of the proposed project. Mr. Tenney was in favor of the proposed project. He attended many of the Planning Commission Meetings regarding this proposed development. [Ref: Exhibit "A"]

Gil Avellar noted that the traffic study that was presented to the Planning Commission, indicated that several issues would need to be addressed in order to make the roadway safer. One of the recommendations was stripping an additional lane along 1300 East to help facilitate the flow of traffic.

Steve Faribanks reminded the Council that the purpose of the hearing is to determine whether the Planning Commission erred in their decision, and/or if additional conditions should be imposed, then a remand back to the Planning Commission might be in order.

#1 Motion: **Scott Cowdell** made the motion to deny the Conditional Use Appeal for the Village at Park Avenue.

Second: **Linda Saville**

Discussion on the Motion:

City Attorney Wally Miller explained that under the recent State Legislative statutes, Cities cannot deny conditional uses except under the most extreme conditions. These conditions must be worked on and addressed. An out-right denial would be a tragic error under the current Statute, especially where Staff and the Planning Commission, after thorough review, have approved the conditional use. He advised the Council to list the issues they feel are objectionable, then remand this back to the Planning Commission for further review.

Scott Cowdell felt that his conditions could not be met unless the grading of 1300 East, Forbush Lane, and Creek Road are redone to make this a safer area as far as traffic is concerned. He felt that the Council should be able to deny the use since they are the body who sets the guidelines.

Wally Miller stated that the developer needs direction from the Council on where he stands with his proposed development. The Statute requires that the Council approve a conditional use, but the Council can set their conditions. Mr. Miller noted that if safety, height, and density are their concerns, the Council would not be required to approve the project until these concerns have been addressed.

Phil Glenn reminded the Council of the recent Utah League of Cities Conference where a great deal of discussion took place regarding conditional uses. The State Legislature has concerns that local legislative bodies need to be more careful in interpreting the State Statute. Conditional Uses need to be understood and analyzed in such a way that additional conditions are imposed to help mitigate impacts of a development. A developer must be given an opportunity to have those conditions reviewed and applied to lessen such impacts.

Steve Smith asked if the City's current ordinance was up to date.

Wally Miller reported that the Development Code is currently being revised to meet the standards of the current State Statute.

#2 Motion: **Scott Cowdell** amended his motion to include that the following conditions be placed on the proposed project: That 1300 East, Creek Road, and Forbush Lane be made safer through improved visibility and traffic control, to lower the berm on Forbush Lane, and that the back scape of Creek Road be used as the measurement for the 35 foot height restriction on the proposed building heights.

Second: **Motion fails for lack of second**

Bryant Anderson stated that the Council is not unsympathetic to the type of impacts that could effect the

surrounding neighborhoods. There are two situations involved with this development, one being the two different environments, the east side of 1300 East, and the environment that exists to the west of the project. He believes that the Developer has made an outstanding effort in blending the two areas together.

#3 Motion : **Bryant Anderson** made the motion to place this issue on next week's Council Agenda for further discussion, and for the Council to make some concrete recommendations on the type of Conditions they would like to remand back to the Planning Commission.

Second: **Motion fails for lack of second.**

#4 Motion: **Scott Cowdell** made the motion that this item be tabled indefinitely until the Development Code has been updated to the current standards that have been imposed by the State Legislature regarding Conditional Uses.

Second: **Motion fails for lack of second**

Phil Glenn suggested that the Council follow the wise legal advice given by Wally Miller, and consider what some of their concerns are regarding the proposed project, then forward their recommendations on to the Planning Commission for further review. Mr. Glenn listed the concerns that were stated by the Council: proposed height, further review of the traffic plan that was reviewed by the Planning Commission, safety issues, egress, ingress, and clarification on the appropriate landscaping for the western face of the proposed project.

Wally Miller suggested inviting the Planning Commission Chairman to next week's Council Meeting to explain how the Planning Commission reached the decision to approve the development.

Chairman Fairbanks asked Mr. Glenn to invite members of the Planning Commission for dinner and a discussion on the Village at Park Avenue Development and to draft a letter clarifying those issues the Council would like the Commission to address.

Bryant Anderson asked that the Planning Commission come prepared to discuss Conditions #4 and #15 in the Planning Commission's recommendations. He also suggested that a letter be sent to the Planning Commission prior to the meeting that states the concerns the Council has with the height, density, profile of the view from the west and east sides, office building on the northern end, and traffic issues.

Steve Smith also requested that an explanation be given by the Parks Department regarding the proposed trail along 1300 East, since this seems to have an impact on the placement of the office building .

#5 Motion: **Steve Smith** made the motion to invite members of the Planning Commission for a discussion Tuesday, May 16, 2006, to further discuss the Village at Park Avenue Project to discuss Item's #4 and #15 of the conditions, the height, density, profile of the view from the west and east sides, the office building on the northern end, and traffic issues.

Second: **Bryant Anderson**

Vote: **Smith- Yes, Anderson- Yes, Cowdell- No, Saville- Yes, McCandless- Absent, Tenney- Absent, Fairbanks- Yes.**

Motion Approved: 4 in favor - 1 opposed - 2 absent

COUNCIL ITEMS:

5. Review of Property Purchase Agreement/Gravel Pit Park Property

DISCUSSION: Economic Development Director Randy Sant reported that the Property Purchase Agreement between Sandy City and Boyer Quarry Bend, for the transfer of 8 acres of property for construction of a park, has been negotiated. Boyer Quarry Bend would provide, through the City, 1.3 million dollars for costs to purchase and develop the park. The purchase price for the property will be two million nine hundred sixty two thousand eighty dollars (\$2,962,080) based on eight dollars and 75/100 [\$8.75] per square foot for eight acres.

A portion of the Quarry Bend development's storm water runoff will drain directly into the Park's detention basin. Quarry Bend will grade the property to the design and standards provided by the City. Quarry Bend will have the right to use all material removed from grading on the properties for the development. Any excess dirt left over after

Quarry Bend has graded the site will be delivered to Parcel 10 or the City's parcel directly east of parcel 10. The cost of grading and removing the material from the detention basin will be credited back by the City to Quarry Bend in the amount of \$36,641. This funding will come from the Storm Water Impact Fees. Mr. Sant explained that the credit given back to the developer by the City is based on the fact that the service provided by the developer will be at a much better price than if the city took it out to bid to find another company to grade the site for the retention basin. Mr. Sant asked for the Council's approval for the Property Purchase Agreement.

Steve Smith asked about the plan for the acreage located at the southern end of the development near the Amphitheater.

Mr. Sant stated that Boyer Quarry Bend would give the City 6.5 acres of property at no additional cost. A stipulation in the contract states that the 6.5 acres cannot be transferred to the City for a least a year due to a charitable contribution issue. Mr. Sant indicated that he would make certain that stipulation is added to this agreement.

Administrative Services Director Art Hunter explained that the two funds transfers on the Agenda for adoption this evening would approve the transfer of funds to help pay for the land and proposed improvements. He indicated that the contribution of 1.3 million dollars, which would be new money added to the budget, would require a public hearing that has been scheduled for May 30th. He presented a breakdown of where funding would be acquired to help pay for the property as follows: The Redevelopment Agency would pay \$854,142. This funding was set aside last year from the refunding bonds. Funding of \$1.2 million dollars would come from the Storm Water Fund, with the remaining balance coming from the Capital Projects Budget in the amount of \$975,058.

6. **Funds Transfer: Capital Projects Fund [\$378,627]**
Resolution #06-25 C - transferring funds within the Capital Projects Fund.

MOTION: **Bryant Anderson** made the motion to adopt **Resolution #06-25 C**, transferring funds within the Capital Projects Fund.

SECOND: **Steve Smith**

VOTE: **Anderson - Yes, Smith - Yes, Tenney- Absent , McCandless - Absent, Saville- Yes, Cowdell- Yes, Fairbanks- Yes**

Motion Approved: 5 in favor- 2 absent

7. **Funds Transfer: Storm Water Fund [\$1,009,143]**
Resolution #06-26 C - transferring funds within the Storm Water Fund.

MOTION: **Bryant Anderson** made the motion to adopt **Resolution #06-26 C**, transferring funds within the Storm Water Fund.

SECOND: **Steve Smith**

VOTE: **Anderson - Yes, Smith - Yes, Tenney- Absent , McCandless - Absent , Cowdell- Yes, Saville - Yes, Fairbanks- Yes**

Motion Approved: 5 in favor - 2 absent

8. **Clarification of Council Goals/Statement to Administration**

DISCUSSION: **Phil Glenn** asked for the Council's approval on how they would like the Administration to begin working on their finalized goal statement. He recommended that the Council ask the Administration to begin reviewing the top three to four sub goals in each of the major goal areas. He also recommended that the Administration report back to the Council in six months on their progress.

MOTION: **Steve Smith** made the motion directing the Administration to begin working on the top three to four goals on the finalized Focus and Goals Statement from the Council/Mayor, with a recommendation that the Administration report back to the Council in six months on their progress.

SECOND: **Linda Saville**

VOTE: **The Council responded verbally in the affirmative to the motion.**

9. **Follow-up to Police Drug Use Interdiction Presentation**

DISCUSSION: **City Attorney Wally Miller** referenced the discussion, presented by Police Chief Chapman, on the continuing problems with drug houses in the community. Mr. Miller noted that approximately 90% of drug houses in the City are owned by absentee landlords. This concern has resonated from the Council on a much broader basis. Mr. Miller presented a copy of a matrix demonstrating how the City regulates rental dwellings through licensing and criminal actions. [Ref: Exhibit "B"] He noted that duplexes and single dwellings could not be regulated under the old State Statute. However, under the new guidelines, cities can now regulate triplexes and single family dwellings.

Mr. Miller stated that if the Council decides they want to go after absentee landlords and drug houses by implementing tougher regulations, they will need to make certain that they do not surrender and see the process through. Absentee landlords are already a problem in the City, with a greater emphasis placed on what the future holds since out of state investors purchasing homes with the intention of using these homes as rental properties.

The Legislature currently allows cities to charge disproportionate fees if a study is conducted to determine that rental properties pose additional costs and impacts to municipal services. The City has completed one such study, and is ready to bid for another study on four plexus. He asked the Council if they would be willing to have duplexes, triplexes, and single dwellings included in that study and to consider creating a separate class for these types of rental properties. The study would include costs to enforce maintenance on rental properties.

Linda Saville asked if the City had the ability to purchase rental properties from property owners, especially those that have been used as drug houses and continue to pose problems in the City.

Wally Miller indicated that the law has certain guidelines that could provide avenues where the City could purchase rental homes and turn them around. He noted that if the Council hears of anyone who might be interested in selling their property, to inform the Administration.

Steve Fairbanks suggested having the City approach the mortgage holders of rental properties in order to determine if landlords are willing to sell their dwellings.

Mr. Miller explained that bonds and inspections on rental/residential homes could be implemented under the regulatory licensing authority. He indicated that rulings under the old State Statute could lead to potential lawsuits, in which case, the Council would need to hold firm in their decision to regulate these properties.

Steve Fairbanks asked the Administration to request clarification from the Legislature on the old and new statutes in order to avoid potential lawsuits.

Mayor Dolan mentioned boarding houses that are owned by out of state landlords, and individuals who rent individual rooms to occupants. He questioned how restrictive the Council would be on enforcement of these types of uses.

Wally Miller indicated that legal classifications would need to be established during the process of the study. This would help determine if there are different impacts from owner occupied homes vs. rental homes owned by absentee landlords. He asked the Council for advice on how they would like the Administration to address these issues.

Steve Fairbanks stated that he believes that all types of landlords should be considered in the study.

Mayor Dolan stated that Code Enforcement Officials will require the support of both the Mayor, Administration, and City Council members when they enforce the new regulations, and to make certain that they are not criticized for coming down too hard on individuals who are in violation of the code.

Steve Fairbanks indicated, with consent from the Council, that they would like the Administration to pursue the Impact Study to determine licensing and criminal regulations on four plexus, triplexes, duplexes and single family dwellings, also that residences owned by local and absentee landlords be included in the study, and to also look

into funding mechanisms for the City to purchase rental homes through RDA funding.

Scott Cowdell suggested that all landlords be required to register with the City as businesses through the Business Licencing Division.

Bryant Anderson felt that fees should be assessed to owners of rental properties. He asked if a list could be compiled of all rental homes currently in the City.

Art Hunter stated that this could be done through the Utility Billing files.

Chief Building Officer Scott Marsell reported that his Department uses the Utility Billing Files, along with County records, to access names of rental property owners.

****At approximately 10:10 p.m., Scott Cowdell made the motion to reconvene into the Redevelopment Agency Meeting. Motion Seconded by Steve Smith.**

****At approximately 10:12 p.m., Bryant Anderson made the motion to adjourn Redevelopment Agency Meeting and reconvene into City Council Meeting. Motion Seconded by Linda Saville.**

10. **MAYOR'S REPORT:**

- a. **Mayor Dolan** presented copies of various newspaper articles from the Salt Lake Tribune in the editorial section regarding School Districts. This issue could end up on the November ballot. Mayor Dolan noted that it would take strong support from the public in order for the City to form their own School District.
- b. **Mayor Dolan** reported that even though positive developments have occurred this past year regarding major league soccer, there are still some reservations on whether this sport will have the support to fund a major league soccer team and stadium in the valley. The Administration is running numbers and will come before the Council with an overview on the proposed Real Soccer Stadium in the near future.

Steve Smith inquired if information regarding the REAL Soccer Stadium would be made available to the Council.

Randy Sant requested that the Council work through the Administration in acquiring information pertaining to the soccer stadium.

11. **CAO'S REPORT:**

- a. No report was given.

12. **COUNCIL OFFICE DIRECTOR'S REPORT:**

- a. **Phil Glenn** presented a copy of the monthly calendar. He noted that the Mayor's Prayer Breakfast was scheduled for Wednesday, May 10th at 8:00 a.m., at Lone Peak Park. He also presented a copy of his memo sent to Theresa Gotay, of the Jordan School District, regarding the upcoming Joint Discussion with the City Council and Jordan District, which contained a list of issues the Council and Mayor would find helpful to address during their discussion.

13. **OTHER COUNCIL BUSINESS:**

- a. **Art Hunter** reported that there are over 26 scheduled projects for Saturday's Sandy Pride event. Participants would be meeting at 7:00 a.m. at the Albertson's Store located at 20th East 9400 South. The Albertson's Store Manager, Jim Lund, would provide donuts and water for the participants.
- b. **Linda Saville** reported that the Family Skate Night at Lone Peak Park was a huge success with over 400 participants. Over 300 safety helmets were distributed to children during the event.

At approximately 10:20 p.m., Scott Cowdell made a motion to adjourn Council Meeting, motion seconded by Steve Smith.

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City Council Meeting Minutes

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Steve Fairbanks
Council Chairman

Pam Lehman
Council Office Executive Secretary

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